

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
CHARGE AGAINST EMPLOYER

**DO NOT WRITE IN THIS SPACE**

Case  
12-CA-198184

Date Filed  
5/4/17

**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Leapforce Inc		b. Tel. No. (925) 730-0073
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 5050 Hopyard Rd Ste 425 CA Pleasanton 94588-3394	e. Employer Representative	g. e-Mail
		h. Number of workers employed 2
i. Type of Establishment (factory, mine, wholesaler, etc.) Technology	j. Identify principal product or service Staffing for tech companies	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

--See additional page--

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

(b)(6), (b)(7)(C)

Title:

**4a. Address (Street and number, city, state, and ZIP code)**

(b)(6), (b)(7)(C)

4b. Tel. No. (b)(6), (b)(7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail

(b)(6), (b)(7)(C)

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)**

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By (b)(6), (b)(7)(C)

(signature of representative or person making charge)

(b)(6), (b)(7)(C)

Title:

(Print/type name and title or office, if any)

Tel. No.

(b)(6), (b)(7)(C)

Office, if any, Cell No.

Fax No.

e-Mail

(b)(6), (b)(7)(C)

Address

(b)(6), (b)(7)(C)

05/4/2017 15:27:16

(date)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

## Basis of the Charge

### 8(a)(1)

Within the previous six months, the Employer discharged an employee(s) because the employee(s) engaged in protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Name of employee discharged	Approximate date of discharge
(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C) 2017



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 12  
201 E Kennedy Blvd Ste 530  
Tampa, FL 33602-5824

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (813)228-2641  
Fax: (813)228-2874



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May 5, 2017

(b)(6), (b)(7)(C)

Re: Leapforce Inc  
Case 12-CA-198184

Dear (b)(6), (b)(7)(C):

The charge that you filed in this case on May 04, 2017 has been docketed as case number 12-CA-198184. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner PAUL D'AURORA whose telephone number is (813)228-2644. If this Board agent is not available, you may contact Supervisory Examiner DENISE C. MORRISON whose telephone number is (813)228-2455.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website [www.nlrb.gov](http://www.nlrb.gov). However, the Agency will continue

to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

**TENGA PRESENTE:** Esta carta contiene información importante acerca del cargo que usted presentó con la Junta Nacional de Relaciones del Trabajo (NLRB). En ella se explican sus obligaciones para proveer evidencia que sustente su cargo y quién lo estará investigando. Si el Inglés no es su primer idioma y usted desea que esta carta se le explique en su primer idioma, puede comunicarse por escrito con la Oficina Regional a la dirección que aparece en esta carta o llamar al (813)228-2641. El NLRB está comprometido en asegurar, en la medida que sea posible, que las personas que no hablen Inglés puedan entender el procedimiento de sus casos. *(PLEASE NOTE: This letter contains important information about the charge you filed with the NLRB. It explains your obligations to provide evidence in support of the charge and who will be investigating your charge. If you are not a native English speaker and would like this letter to be explained to you in your primary language, you may contact the Regional Office by letter at the above address or call (813)228-2641. The National Labor Relations Board is committed to ensuring, to the extent possible, that non-English speaking parties are able to understand the processing of their cases.)*

Very truly yours,



David Cohen  
Acting Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

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Telephone: (813)228-2641  
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May 5, 2017

Leapforce Inc  
5050 Hopyard Rd., Ste 425  
Pleasanton, CA 94588-3394

Re: Leapforce Inc  
Case 12-CA-198184

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner PAUL D'AURORA whose telephone number is (813)228-2644. If this Board agent is not available, you may contact Supervisory Examiner DENISE C. MORRISON whose telephone number is (813)228-2455.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not



enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



David Cohen  
Acting Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**FIRST AMENDED CHARGE AGAINST EMPLOYER****INSTRUCTIONS:****DO NOT WRITE IN THIS SPACE**

Case

Date Filed

12-CA-198184

5/17/17

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer Leapforce, Inc. and Google, Inc., Joint Employers		b. Tel. No.
		c. Cell No.
d. Address (street, city, state ZIP code) Leapforce, Inc. 5050 Hopyard Rd, Ste 425, Pleasanton, CA 94588-3394	e. Employer Representatives Leapforce, Inc. Darren Jackson, CEO (925)730-0073	f. Fax No.
		g. e-Mail
Google, Inc. 1600 Amphitheatre Parkway Mountain View, CA 94043	Google, Inc. David Drummond, Chief Legal Officer	h. Dispute Location (City and State)  Lakeland, FL
i. Type of Establishment (factory, nursing home, hotel) office	j. Principal Product or Service  data analysis	k. Number of workers at dispute location  100+

l. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

See Attached

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

(b)(6), (b)(7)(C)

4a. Address (street and number, city, state, and ZIP code)

(b)(6), (b)(7)(C)

4b. Tel. No.

4c. Cell No.

(b)(6), (b)(7)(C)

4d. Fax No.

4e. e-Mail

(b)(6), (b)(7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

**6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of

(b)(6), (b)(7)(C)

Tel. No.

Office, if any, Cell No.

(b)(6), (b)(7)(C)

Fax No.

e-Mail

(b)(6), (b)(7)(C)

Address

(b)(6), (b)(7)(C)

Date:

5/17/2017

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)  
PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

2. Basis of the Charge - Attachment

Since on or about (b)(6), (b)(7)(C) 2017, the above-named Employer, by its officers, agents and representatives, discharged (b)(6), (b)(7)(C) because of (b)(6), (b)(7)(C) protected concerted activities by, inter alia, discussing wages and/or other terms and conditions of employment and in order to discourage employees from engaging in protected concerted activities.

Since on or about a date six months from the filing and service of the charge, the Employer has interfered with, coerced, and restrained employees from the exercise of rights protected by Section 7 of the Act by misclassifying them as independent contractors.

Since on or about a date six months from the filing and service of the charge, the Employer has maintained written rules and policies including, but not limited to class action waivers and non-disclosure agreement clauses that interfere with, coerce, and restrain employees from the exercise of rights protected by Section 7 of the Act.

(b)(6), (b)(7)(C)

5/17/2017





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May 18, 2017

Darren Jackson, CEO  
Leapforce Inc.  
5050 Hopyard Road, Ste. 425  
Pleasanton, CA 94588-3394

David Drummond, Chief Legal Officer  
Google, Inc.  
1600 Amphitheatre Pkwy  
Mountain View, CA 94043-1351

Re: Leapforce, Inc. and Google, Inc., Joint  
Employers  
Case 12-CA-198184

Dear Mr. Jackson and Mr. Drummond:

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Examiner PAUL D'AURORA whose telephone number is (813)228-2644. If the agent is not available, you may contact Supervisory Examiner DENISE C. MORRISON whose telephone number is (813)228-2455.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

David Cohen  
Acting Regional Director

i.t.

Enclosure: Copy of first amended charge

cc: Elizabeth Parry, Esq.  
Littler Mendelson, P.C.  
1255 Treat Blvd, Suite 600  
Walnut Creek, CA 94597-7605



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May 18, 2017

(b)(6), (b)(7)(C)

Re: Leapforce, Inc. and Google, Inc., Joint  
Employers  
Case 12-CA-198184

Dear (b)(6), (b)(7)(C):

We have docketed the first amended charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Examiner PAUL D'AURORA whose telephone number is (813)228-2644. If the agent is not available, you may contact Supervisory Examiner DENISE C. MORRISON whose telephone number is (813)228-2455.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

David Cohen  
Acting Regional Director



UNITED STATES GOVERNMENT  
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Agency Website:  
[www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (813)228-2641  
Fax: (813)228-2874

August 2, 2017

Elizabeth Parry, Esq.  
Littler Mendelson, P.C.  
1255 Treat Blvd, Suite 600  
Walnut Creek, CA 94597-7605

Ross H. Friedman, Esq.  
Morgan Lewis & Bockius, LLP  
77 West Wacker Drive, 5th Floor  
Chicago, IL 60601-1671

Re: Leapforce, Inc. and Google, Inc., Joint  
Employers  
Case 12-CA-198184

Dear Ms. Parry and Mr. Friedman:

The Charging Party has asked to withdraw the above charge based upon a private agreement between the parties. I have approved this request, conditioned on the performance of the undertakings in that private agreement.

The charge is subject to reinstatement for further processing if the Charging Party requests reinstatement and supports its request with evidence of non-compliance with the undertakings in the private agreement.

Very truly yours,

David Cohen  
Regional Director

ms

cc: Daren Jackson, CEO  
Leapforce Inc  
5050 Hopyard Rd., Ste 425  
Pleasanton, CA 94588-3394

(b)(6), (b)(7)(C)

David Drummond, Chief Legal Officer  
Google, Inc.  
1600 Amphitheatre Pkwy  
Mountain View, CA 94043-1351